

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: CHESAPEAKE ENERGY CORPORATION et al,¹ DEBTORS	§ § § §	Chapter 11 CASE NO. 20-33233 (DRJ) (Jointly Administered)
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**LUBA CASUALTY INSURANCE COMPANY MOTION FOR
RELIEF FROM THE AUTOMATIC STAY**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE A HEARING ON THIS MATTER ON JANUARY 15, 2021 AT 2:00 P.M. IN COURTROOM 400, 4TH FLOOR, 515 RUSK, HOUSTON, TX 77002. PURSUANT TO THE PROTOCOL FOR EMERGENCY PUBLIC HEALTH OR SAFETY CONDITIONS IT IS ANTICIPATED THAT ALL PERSONS WILL APPEAR BY VIDEO AND TELEPHONE.

**The Courts dial in number is 832-917-1510, Conference Room 205691.
Video participation will be through the link [Gotomeet.me/JudgeJones](https://gotomeet.me/JudgeJones)**

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://dm.epiq11.com/chesapeake>. The location of Debtor Chesapeake Energy Corporation's principal place of business and the Debtors' service address in these chapter 11 cases is 6100 North Western Avenue, Oklahoma City, Oklahoma 73118.

**TO THE HONORABLE DAVID R. JONES,
U.S. BANKRUPTCY JUDGE:**

Luba Casualty Insurance Company (“Luba Insurance”), party-in-interest in the above referenced bankruptcy, hereby files this motion for relief from stay (the “Motion”) to continue a workers compensation action styled *Luba Casualty Insurance Company vs. JPD Real Estate, LLC, John P. Davis Jr., Vine Resources, Inc., Comstock Oil & Gas - Louisiana, LLC and Chesapeake Operating, LLC*; 5:20-cv-00520 EEF-MLH in the United States District Court, Western District of Louisiana, Shreveport Division (the “Luba Action”) to collect reimbursement of workers compensation benefits paid to Antorian Johnson. In support of the Motion, Luba Insurance state as follows:

BACKGROUND

1. Contemporaneously with filing their Motion for Relief from Stay, a Motion for Relief from Stay [Doc. No. 2565] was filed on behalf of the plaintiffs in *Arrie Johnson, Individually and as Surviving Widow of Antorian Johnson, Dearrus Johnson, Individually and as Surviving Child of Antorian Johnson, and Delarius Beene, Individually and as Surviving Child of Antorian Johnson v. Covey Park Energy, LLC, Covey Park Gas, LLC, Covey Park Resources, LLC, Covey Park Employment Management Services, LLC, Comstock Resources, Inc., Comstock Oil & Gas-Louisiana, LLC, Chesapeake Operating, LLC, Chesapeake Louisiana, L.P., Chesapeake Energy Corporation, Chesapeake Energy Louisiana Corporation, Red River Louisiana I GP, LLC, and Red River Louisiana I, LP*, pending in the US District Court for the 39th Judicial Western District of the Parish of Red River, Louisiana, Shreveport Division, Civil Action No. 5:19-CV-01345, Case No. 37539 (“Johnson Action”). In the Johnson Action, Plaintiffs allege damages resulting from the wrongful death of Antorian Johnson. Luba Insurance paid workers compensation benefits to and on behalf of Antorian Johnson as a result of the incident that gave rise to the Johnson Action and has not been compensated for the benefits or sums advanced. In the Luba Action, Luba Insurance seeks to recover the workers compensation benefits paid to the Johnson Parties pursuant to Louisiana law. *See* Louisiana Revised Statutes 23:1101. Luba Insurance’s state court counsel anticipates that the Johnson Action and Luba Action will be consolidated after relief from stay is granted.

RELIEF REQUESTED

2. Movant respectfully requests that this Court enter an order lifting the automatic stay pursuant to section 362(d)(1) of the Bankruptcy Code against the Debtors.

3. The Bankruptcy Code provides for the automatic stay to be lifted under certain circumstances. Section 362(d)(1) provides in relevant part:

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay . . . by terminating, annulling, modifying, or conditioning such stay - (1) for cause, including the lack of adequate protection of an interest in property of such party in interest. 11 U.S.C. § 362(d)(1).

4. The claims asserted by Luba Insurance are essentially off-sets for the amounts sought by the Johnson Parties in the Johnson Action. Luba insurance asserts that it is entitled to repayment of the workers compensation benefits to the extent that the Debtors are found to be obligated to the Johnson Parties in the Johnson Action and the Johnson Parties recover from the Debtors. While the Johnson Action and the Luba Action are pending in separate federal courts in Louisiana the actions are related. Luba Insurance is seeking recovery from the same parties as the Johnson Parties. As detailed in the Johnson Parties Motion for Relief from Stay there is cause to grant relief in the Johnson Action. Since Luba Insurance is seeking reimbursement from the same defendants and related to the same incident, granting Luba Insurance relief is similarly warranted.

CONCLUSION

5. For the reasons set forth above, Movant respectfully request that the Court issue an order (a) lifting the automatic stay to allow the Movant to pursue the Luba Action to final judgment, including any appeals, and to be reimbursed from the funds payable to the Johnson Parties; and (b) granting Luba Insurance such other and further relief as is just and proper.

Respectfully Submitted

By: /s/ John Akard Jr.

JOHN AKARD, JR.

State Bar No. 00790212

COPLEN & BANKS, P.C.

11111 McCracken, Suite A

Cypress, TX 77429

Telephone: 832-237-8600

Telecopier: 832-237-2088

**ATTORNEYS FOR LUBA CASUALTY
INSURANCE COMPANY**

CERTIFICATE OF CONFERENCE

As noted in the Johnson Parties Motion for Relief from Stay, the undersigned has exchanged numerous emails with Debtor's counsel and has left voice messages for Debtor's counsel and the parties have exchanged a draft Stipulation. The undersigned anticipated adding Luba Insurance to the next draft of the Stipulation. However, Debtors' counsel has not responded to requests for an updated stipulation. While an agreement is anticipated, it was necessary to file this Motion for Relief from Stay.

By: /s/ John Akard Jr.

JOHN AKARD, JR.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Stay by the Johnson Parties has been served by ECF upon all persons who have filed ECF appearances in this case, including counsel of record for the Debtors, counsel of record for the Official Committee of Unsecured Creditors, and all parties requesting notice on December 18, 2020.

By: /s/ John Akard Jr.

JOHN AKARD, JR.